
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

RYAN D. MALONE,

Petitioner,

versus

WARDEN, FCC BEAUMONT,

Respondent.

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CIVIL ACTION NO. 1:20-CV-278

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Ryan D. Malone, a prisoner confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. The petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

The petitioner contends that his conviction for being a felon in possession of a firearm is invalid in light of the United States Supreme Court's ruling in *Rehaif v. United States*, __ U.S. __ ,

139 S. Ct. 2191, 2200 (2019). In *Rehaif*, the Supreme Court held that, in addition to proving that the defendant knowingly possessed a firearm, the Government must prove that the defendant knew he belonged to a category of persons who are barred from possessing a firearm. *Id.* at 2200. The decision does not establish that the petitioner may have been convicted of a nonexistent offense; it only establishes the Government's burden of proof in a prosecution under 18 U.S.C. § 922(g) and § 924(a)(2). Therefore, the petitioner's claims do not meet the requirements set forth in *Reyes-Requena*.

ORDER

Accordingly, petitioner's objections (#3) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#2) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

Signed this date

Oct 27, 2020



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE